



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6579

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

730 ILCS 5/5-8-1

from Ch. 38, par. 1005-8-1

Amends the Unified Code of Corrections. Provides that upon a petition by a committed person who is at least 50 years of age and who has served at least 15 consecutive years of imprisonment in a Department of Corrections institution or facility, the Prisoner Review Board shall hear by at least 3 members and, with the approval of a majority of the Board voting on the petition, decide a committed person's eligibility for participation in the Elderly Rehabilitated Prisoner Supervised Release Program. Provides that the Board shall make use of a tool which assesses the petitioner's risks, assets, and needs to determine whether he or she may be released and if so, under what conditions. In assessing the petition, the Board shall consider information in the petition and information from the Department of Corrections and on its own resources. Provides that the Board shall consider the petition in its entirety and shall not order the release of the petitioner if it finds that the petitioner's release would pose an unacceptable risk of danger to public safety. Provides that the end date of the period of mandatory supervised release shall remain the same as it would have been had the petitioner not been given early supervised release, and the petitioner shall remain under the control of the Department until that date, except that the Board may enter an order releasing and discharging the petitioner from mandatory supervised release if it determines that he or she is likely to remain at liberty without committing another offense.

LRB099 21595 RLC 48009 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-2 and 5-8-1 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)
7 Sec. 3-3-2. Powers and Duties.

8 (a) The Parole and Pardon Board is abolished and the term
9 "Parole and Pardon Board" as used in any law of Illinois, shall
10 read "Prisoner Review Board." After the effective date of this
11 amendatory Act of 1977, the Prisoner Review Board shall provide
12 by rule for the orderly transition of all files, records, and
13 documents of the Parole and Pardon Board and for such other
14 steps as may be necessary to effect an orderly transition and
15 shall:

16 (1) hear by at least one member and through a panel of
17 at least 3 members decide, cases of prisoners who were
18 sentenced under the law in effect prior to the effective
19 date of this amendatory Act of 1977, and who are eligible
20 for parole;

21 (2) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of parole and the
23 time of discharge from parole, impose sanctions for

1 violations of parole, and revoke parole for those sentenced
2 under the law in effect prior to this amendatory Act of
3 1977; provided that the decision to parole and the
4 conditions of parole for all prisoners who were sentenced
5 for first degree murder or who received a minimum sentence
6 of 20 years or more under the law in effect prior to
7 February 1, 1978 shall be determined by a majority vote of
8 the Prisoner Review Board. One representative supporting
9 parole and one representative opposing parole will be
10 allowed to speak. Their comments shall be limited to making
11 corrections and filling in omissions to the Board's
12 presentation and discussion;

13 (3) hear by at least one member and through a panel of
14 at least 3 members decide, the conditions of mandatory
15 supervised release and the time of discharge from mandatory
16 supervised release, impose sanctions for violations of
17 mandatory supervised release, and revoke mandatory
18 supervised release for those sentenced under the law in
19 effect after the effective date of this amendatory Act of
20 1977;

21 (3.5) hear by at least one member and through a panel
22 of at least 3 members decide, the conditions of mandatory
23 supervised release and the time of discharge from mandatory
24 supervised release, to impose sanctions for violations of
25 mandatory supervised release and revoke mandatory
26 supervised release for those serving extended supervised

1 release terms pursuant to paragraph (4) of subsection (d)
2 of Section 5-8-1;

3 (3.6) hear by at least one member and through a panel
4 of at least 3 members decide, the time of aftercare
5 release, the conditions of aftercare release and the time
6 of discharge from aftercare release, impose sanctions for
7 violations of aftercare release, and revoke aftercare
8 release for those adjudicated delinquent under the
9 Juvenile Court Act of 1987;

10 (4) hear by at least one member and through a panel of
11 at least 3 members, decide cases brought by the Department
12 of Corrections against a prisoner in the custody of the
13 Department for alleged violation of Department rules with
14 respect to sentence credits under Section 3-6-3 of this
15 Code in which the Department seeks to revoke sentence
16 credits, if the amount of time at issue exceeds 30 days or
17 when, during any 12 month period, the cumulative amount of
18 credit revoked exceeds 30 days except where the infraction
19 is committed or discovered within 60 days of scheduled
20 release. In such cases, the Department of Corrections may
21 revoke up to 30 days of sentence credit. The Board may
22 subsequently approve the revocation of additional sentence
23 credit, if the Department seeks to revoke sentence credit
24 in excess of thirty days. However, the Board shall not be
25 empowered to review the Department's decision with respect
26 to the loss of 30 days of sentence credit for any prisoner

1 or to increase any penalty beyond the length requested by
2 the Department;

3 (5) hear by at least one member and through a panel of
4 at least 3 members decide, the release dates for certain
5 prisoners sentenced under the law in existence prior to the
6 effective date of this amendatory Act of 1977, in
7 accordance with Section 3-3-2.1 of this Code;

8 (6) hear by at least one member and through a panel of
9 at least 3 members decide, all requests for pardon,
10 reprieve or commutation, and make confidential
11 recommendations to the Governor;

12 (7) comply with the requirements of the Open Parole
13 Hearings Act;

14 (8) hear by at least one member and, through a panel of
15 at least 3 members, decide cases brought by the Department
16 of Corrections against a prisoner in the custody of the
17 Department for court dismissal of a frivolous lawsuit
18 pursuant to Section 3-6-3(d) of this Code in which the
19 Department seeks to revoke up to 180 days of sentence
20 credit, and if the prisoner has not accumulated 180 days of
21 sentence credit at the time of the dismissal, then all
22 sentence credit accumulated by the prisoner shall be
23 revoked;

24 (9) hear by at least 3 members, and, through a panel of
25 at least 3 members, decide whether to grant certificates of
26 relief from disabilities or certificates of good conduct as

1 provided in Article 5.5 of Chapter V;

2 (10) upon a petition by a person who has been convicted
3 of a Class 3 or Class 4 felony and who meets the
4 requirements of this paragraph, hear by at least 3 members
5 and, with the unanimous vote of a panel of 3 members, issue
6 a certificate of eligibility for sealing recommending that
7 the court order the sealing of all official records of the
8 arresting authority, the circuit court clerk, and the
9 Department of State Police concerning the arrest and
10 conviction for the Class 3 or 4 felony. A person may not
11 apply to the Board for a certificate of eligibility for
12 sealing:

13 (A) until 5 years have elapsed since the expiration
14 of his or her sentence;

15 (B) until 5 years have elapsed since any arrests or
16 detentions by a law enforcement officer for an alleged
17 violation of law, other than a petty offense, traffic
18 offense, conservation offense, or local ordinance
19 offense;

20 (C) if convicted of a violation of the Cannabis
21 Control Act, Illinois Controlled Substances Act, the
22 Methamphetamine Control and Community Protection Act,
23 the Methamphetamine Precursor Control Act, or the
24 Methamphetamine Precursor Tracking Act unless the
25 petitioner has completed a drug abuse program for the
26 offense on which sealing is sought and provides proof

- 1 that he or she has completed the program successfully;
- 2 (D) if convicted of:
- 3 (i) a sex offense described in Article 11 or
- 4 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
- 5 the Criminal Code of 1961 or the Criminal Code of
- 6 2012;
- 7 (ii) aggravated assault;
- 8 (iii) aggravated battery;
- 9 (iv) domestic battery;
- 10 (v) aggravated domestic battery;
- 11 (vi) violation of an order of protection;
- 12 (vii) an offense under the Criminal Code of
- 13 1961 or the Criminal Code of 2012 involving a
- 14 firearm;
- 15 (viii) driving while under the influence of
- 16 alcohol, other drug or drugs, intoxicating
- 17 compound or compounds or any combination thereof;
- 18 (ix) aggravated driving while under the
- 19 influence of alcohol, other drug or drugs,
- 20 intoxicating compound or compounds or any
- 21 combination thereof; or
- 22 (x) any crime defined as a crime of violence
- 23 under Section 2 of the Crime Victims Compensation
- 24 Act.

25 If a person has applied to the Board for a certificate

26 of eligibility for sealing and the Board denies the

1 certificate, the person must wait at least 4 years before
2 filing again or filing for pardon from the Governor unless
3 the Chairman of the Prisoner Review Board grants a waiver.

4 The decision to issue or refrain from issuing a
5 certificate of eligibility for sealing shall be at the
6 Board's sole discretion, and shall not give rise to any
7 cause of action against either the Board or its members.

8 The Board may only authorize the sealing of Class 3 and
9 4 felony convictions of the petitioner from one information
10 or indictment under this paragraph (10). A petitioner may
11 only receive one certificate of eligibility for sealing
12 under this provision for life; ~~and~~

13 (11) upon a petition by a person who after having been
14 convicted of a Class 3 or Class 4 felony thereafter served
15 in the United States Armed Forces or National Guard of this
16 or any other state and had received an honorable discharge
17 from the United States Armed Forces or National Guard or
18 who at the time of filing the petition is enlisted in the
19 United States Armed Forces or National Guard of this or any
20 other state and served one tour of duty and who meets the
21 requirements of this paragraph, hear by at least 3 members
22 and, with the unanimous vote of a panel of 3 members, issue
23 a certificate of eligibility for expungement recommending
24 that the court order the expungement of all official
25 records of the arresting authority, the circuit court
26 clerk, and the Department of State Police concerning the

1 arrest and conviction for the Class 3 or 4 felony. A person
2 may not apply to the Board for a certificate of eligibility
3 for expungement:

4 (A) if convicted of:

5 (i) a sex offense described in Article 11 or
6 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
7 the Criminal Code of 1961 or Criminal Code of 2012;

8 (ii) an offense under the Criminal Code of 1961
9 or Criminal Code of 2012 involving a firearm; or

10 (iii) a crime of violence as defined in Section
11 2 of the Crime Victims Compensation Act; or

12 (B) if the person has not served in the United
13 States Armed Forces or National Guard of this or any
14 other state or has not received an honorable discharge
15 from the United States Armed Forces or National Guard
16 of this or any other state or who at the time of the
17 filing of the petition is serving in the United States
18 Armed Forces or National Guard of this or any other
19 state and has not completed one tour of duty.

20 If a person has applied to the Board for a certificate
21 of eligibility for expungement and the Board denies the
22 certificate, the person must wait at least 4 years before
23 filing again or filing for a pardon with authorization for
24 expungement from the Governor unless the Governor or
25 Chairman of the Prisoner Review Board grants a waiver; and

1 (12) (A) upon a petition by a committed person who is at
2 least 50 years of age and who has served at least 15
3 consecutive years of imprisonment in a Department of
4 Corrections institution or facility, hear by at least 3
5 members and, with the approval of a majority of the Board
6 voting on the petition, decide a committed person's
7 eligibility for participation in the Elderly Rehabilitated
8 Prisoner Supervised Release Program (hereinafter referred
9 to as the Program) as provided in this paragraph (12). If
10 the committed person files the petition, the victims and
11 the families of the victims of the petitioner's offenses
12 shall be notified in a timely manner after the petition is
13 filed.

14 (B) The petition shall contain a statement by the
15 petitioner explaining why he or she is entitled to
16 participate in the Program as well as the petitioner's
17 plans for reentry, including information about where the
18 petitioner will live, how the petitioner will be supported
19 financially, and any plans for the petitioner's ongoing
20 medical care if that care is necessary. The petition may
21 also contain supporting statements or documentation
22 related to the factors described in clauses (i) through
23 (vii) of subparagraph (C) of this paragraph (12).

24 (C) The Board shall make use of a tool which assesses
25 the petitioner's risks, assets, and needs to determine
26 whether he or she may be released and if so, under what

1 conditions. In assessing the petition, the Board shall
2 consider information in the petition and information from
3 the Department of Corrections and on its own resources.
4 Among other factors, the Board shall consider the
5 following:

6 (i) the petitioner's successful participation in
7 programs designed to restore him or her to a useful and
8 productive life upon release (including educational
9 programs and programs designed to deal with substance
10 abuse or other issues) or, if those programs are not
11 available, information demonstrating that the
12 petitioner has engaged in self-education programs,
13 correspondence courses, or other self-improvement
14 efforts;

15 (ii) the genuine reform and changed behavior the
16 petitioner has demonstrated over a period of years;

17 (iii) the petitioner's remorse for the
18 consequences of his or her criminal conduct;

19 (iv) the petitioner's ability to socialize with
20 others in an acceptable manner;

21 (v) the petitioner's renunciation of criminal
22 activity and gang affiliation if the petitioner was a
23 member of a gang;

24 (vi) an appropriate plan for living arrangements,
25 financial support, and any medical care that will be
26 needed when the petitioner returns to society; and

1 (vii) input from the victims of the petitioner's
2 offense and from their families.

3 (D) The Board shall consider the petition in its
4 entirety and shall not order the release of the petitioner
5 if it finds that the petitioner's release would pose an
6 unacceptable risk of danger to public safety. If the Board
7 determines that the petitioner should participate in the
8 Program, the Board shall set a date for his or her release
9 that is before the expiration of his or her current
10 sentence. The Board also shall set conditions for the
11 petitioner's release in accordance with the person's
12 risks, assets, and needs which are identified through an
13 assessment tool, as required by paragraph (2) of subsection
14 (b) of Section 10 of the Illinois Crime Reduction Act of
15 2009.

16 (E) The Board shall render its decision about each
17 petition within a reasonable time after it has been filed.

18 (F) A petition for participation in the Program under
19 the provisions of this paragraph (12) may be submitted
20 every 3 years, provided, however, that if the Board denies
21 a petition, it may order that the petitioner may not file a
22 new petition for up to 5 years from the date of denial, if
23 the Board finds that it is not reasonable to expect that it
24 would grant a petition filed earlier.

25 (G) The end date of the period of mandatory supervised
26 release shall remain the same as it would have been had the

1 petitioner not been given early supervised release, and the
2 petitioner shall remain under the control of the Department
3 until that date, except that the Board may enter an order
4 releasing and discharging the petitioner from mandatory
5 supervised release if it determines that he or she is
6 likely to remain at liberty without committing another
7 offense.

8 (H) Beginning on the effective date of this amendatory
9 Act of the 99th General Assembly, notwithstanding any other
10 law to the contrary, all persons serving sentences in the
11 Department who meet the requirements of subparagraph (A) of
12 this paragraph (12) are eligible to petition to participate
13 in the Program. The Board shall establish a system to allow
14 for the orderly disposition of the applications of those
15 presently incarcerated as they become eligible.

16 (a-5) The Prisoner Review Board, with the cooperation of
17 and in coordination with the Department of Corrections and the
18 Department of Central Management Services, shall implement a
19 pilot project in 3 correctional institutions providing for the
20 conduct of hearings under paragraphs (1) and (4) of subsection
21 (a) of this Section through interactive video conferences. The
22 project shall be implemented within 6 months after the
23 effective date of this amendatory Act of 1996. Within 6 months
24 after the implementation of the pilot project, the Prisoner
25 Review Board, with the cooperation of and in coordination with
26 the Department of Corrections and the Department of Central

1 Management Services, shall report to the Governor and the
2 General Assembly regarding the use, costs, effectiveness, and
3 future viability of interactive video conferences for Prisoner
4 Review Board hearings.

5 (b) Upon recommendation of the Department the Board may
6 restore sentence credit previously revoked.

7 (c) The Board shall cooperate with the Department in
8 promoting an effective system of parole, aftercare release, and
9 mandatory supervised release.

10 (d) The Board shall promulgate rules for the conduct of its
11 work, and the Chairman shall file a copy of such rules and any
12 amendments thereto with the Director and with the Secretary of
13 State.

14 (e) The Board shall keep records of all of its official
15 actions and shall make them accessible in accordance with law
16 and the rules of the Board.

17 (f) The Board or one who has allegedly violated the
18 conditions of his or her parole, aftercare release, or
19 mandatory supervised release may require by subpoena the
20 attendance and testimony of witnesses and the production of
21 documentary evidence relating to any matter under
22 investigation or hearing. The Chairman of the Board may sign
23 subpoenas which shall be served by any agent or public official
24 authorized by the Chairman of the Board, or by any person
25 lawfully authorized to serve a subpoena under the laws of the
26 State of Illinois. The attendance of witnesses, and the

1 production of documentary evidence, may be required from any
2 place in the State to a hearing location in the State before
3 the Chairman of the Board or his or her designated agent or
4 agents or any duly constituted Committee or Subcommittee of the
5 Board. Witnesses so summoned shall be paid the same fees and
6 mileage that are paid witnesses in the circuit courts of the
7 State, and witnesses whose depositions are taken and the
8 persons taking those depositions are each entitled to the same
9 fees as are paid for like services in actions in the circuit
10 courts of the State. Fees and mileage shall be vouchered for
11 payment when the witness is discharged from further attendance.

12 In case of disobedience to a subpoena, the Board may
13 petition any circuit court of the State for an order requiring
14 the attendance and testimony of witnesses or the production of
15 documentary evidence or both. A copy of such petition shall be
16 served by personal service or by registered or certified mail
17 upon the person who has failed to obey the subpoena, and such
18 person shall be advised in writing that a hearing upon the
19 petition will be requested in a court room to be designated in
20 such notice before the judge hearing motions or extraordinary
21 remedies at a specified time, on a specified date, not less
22 than 10 nor more than 15 days after the deposit of the copy of
23 the written notice and petition in the U.S. mails addressed to
24 the person at his last known address or after the personal
25 service of the copy of the notice and petition upon such
26 person. The court upon the filing of such a petition, may order

1 the person refusing to obey the subpoena to appear at an
2 investigation or hearing, or to there produce documentary
3 evidence, if so ordered, or to give evidence relative to the
4 subject matter of that investigation or hearing. Any failure to
5 obey such order of the circuit court may be punished by that
6 court as a contempt of court.

7 Each member of the Board and any hearing officer designated
8 by the Board shall have the power to administer oaths and to
9 take the testimony of persons under oath.

10 (g) Except under subsection (a) of this Section, a majority
11 of the members then appointed to the Prisoner Review Board
12 shall constitute a quorum for the transaction of all business
13 of the Board.

14 (h) The Prisoner Review Board shall annually transmit to
15 the Director a detailed report of its work for the preceding
16 calendar year. The annual report shall also be transmitted to
17 the Governor for submission to the Legislature.

18 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;
19 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.
20 1-1-14; 98-756, eff. 7-16-14.)

21 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

22 Sec. 5-8-1. Natural life imprisonment; enhancements for
23 use of a firearm; mandatory supervised release terms.

24 (a) Except as otherwise provided in the statute defining
25 the offense, in paragraph (12) of subsection (a) of Section

1 3-3-2 of this Code, or in Article 4.5 of Chapter V, a sentence
2 of imprisonment for a felony shall be a determinate sentence
3 set by the court under this Section, according to the following
4 limitations:

5 (1) for first degree murder,

6 (a) (blank),

7 (b) if a trier of fact finds beyond a reasonable
8 doubt that the murder was accompanied by exceptionally
9 brutal or heinous behavior indicative of wanton
10 cruelty or, except as set forth in subsection (a) (1) (c)
11 of this Section, that any of the aggravating factors
12 listed in subsection (b) or (b-5) of Section 9-1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 are
14 present, the court may sentence the defendant, subject
15 to Section 5-4.5-105, to a term of natural life
16 imprisonment, or

17 (c) the court shall sentence the defendant to a
18 term of natural life imprisonment if the defendant, at
19 the time of the commission of the murder, had attained
20 the age of 18, and

21 (i) has previously been convicted of first
22 degree murder under any state or federal law, or

23 (ii) is found guilty of murdering more than one
24 victim, or

25 (iii) is found guilty of murdering a peace
26 officer, fireman, or emergency management worker

1 when the peace officer, fireman, or emergency
2 management worker was killed in the course of
3 performing his official duties, or to prevent the
4 peace officer or fireman from performing his
5 official duties, or in retaliation for the peace
6 officer, fireman, or emergency management worker
7 from performing his official duties, and the
8 defendant knew or should have known that the
9 murdered individual was a peace officer, fireman,
10 or emergency management worker, or

11 (iv) is found guilty of murdering an employee
12 of an institution or facility of the Department of
13 Corrections, or any similar local correctional
14 agency, when the employee was killed in the course
15 of performing his official duties, or to prevent
16 the employee from performing his official duties,
17 or in retaliation for the employee performing his
18 official duties, or

19 (v) is found guilty of murdering an emergency
20 medical technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver or other
23 medical assistance or first aid person while
24 employed by a municipality or other governmental
25 unit when the person was killed in the course of
26 performing official duties or to prevent the

1 person from performing official duties or in
2 retaliation for performing official duties and the
3 defendant knew or should have known that the
4 murdered individual was an emergency medical
5 technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other
8 medical assistant or first aid personnel, or

9 (vi) (blank), or

10 (vii) is found guilty of first degree murder
11 and the murder was committed by reason of any
12 person's activity as a community policing
13 volunteer or to prevent any person from engaging in
14 activity as a community policing volunteer. For
15 the purpose of this Section, "community policing
16 volunteer" has the meaning ascribed to it in
17 Section 2-3.5 of the Criminal Code of 2012.

18 For purposes of clause (v), "emergency medical
19 technician - ambulance", "emergency medical technician
20 - intermediate", "emergency medical technician -
21 paramedic", have the meanings ascribed to them in the
22 Emergency Medical Services (EMS) Systems Act.

23 (d) (i) if the person committed the offense while
24 armed with a firearm, 15 years shall be added to
25 the term of imprisonment imposed by the court;

26 (ii) if, during the commission of the offense,

1 the person personally discharged a firearm, 20
2 years shall be added to the term of imprisonment
3 imposed by the court;

4 (iii) if, during the commission of the
5 offense, the person personally discharged a
6 firearm that proximately caused great bodily harm,
7 permanent disability, permanent disfigurement, or
8 death to another person, 25 years or up to a term
9 of natural life shall be added to the term of
10 imprisonment imposed by the court.

11 (2) (blank);

12 (2.5) for a person convicted under the circumstances
13 described in subdivision (b)(1)(B) of Section 11-1.20 or
14 paragraph (3) of subsection (b) of Section 12-13,
15 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
16 subsection (d) of Section 12-14, subdivision (b)(1.2) of
17 Section 11-1.40 or paragraph (1.2) of subsection (b) of
18 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
19 paragraph (2) of subsection (b) of Section 12-14.1 of the
20 Criminal Code of 1961 or the Criminal Code of 2012, the
21 sentence shall be a term of natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Except as otherwise provided in paragraph (12) of
25 subsection (a) of Section 3-3-2 of this Code, subject ~~Subject~~
26 to earlier termination under Section 3-3-8, the parole or

1 mandatory supervised release term shall be written as part of
2 the sentencing order and shall be as follows:

3 (1) for first degree murder or a Class X felony except
4 for the offenses of predatory criminal sexual assault of a
5 child, aggravated criminal sexual assault, and criminal
6 sexual assault if committed on or after the effective date
7 of this amendatory Act of the 94th General Assembly and
8 except for the offense of aggravated child pornography
9 under Section 11-20.1B, 11-20.3, or 11-20.1 with
10 sentencing under subsection (c-5) of Section 11-20.1 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, if
12 committed on or after January 1, 2009, 3 years;

13 (2) for a Class 1 felony or a Class 2 felony except for
14 the offense of criminal sexual assault if committed on or
15 after the effective date of this amendatory Act of the 94th
16 General Assembly and except for the offenses of manufacture
17 and dissemination of child pornography under clauses
18 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
19 of 1961 or the Criminal Code of 2012, if committed on or
20 after January 1, 2009, 2 years;

21 (3) for a Class 3 felony or a Class 4 felony, 1 year;

22 (4) for defendants who commit the offense of predatory
23 criminal sexual assault of a child, aggravated criminal
24 sexual assault, or criminal sexual assault, on or after the
25 effective date of this amendatory Act of the 94th General
26 Assembly, or who commit the offense of aggravated child

1 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
2 with sentencing under subsection (c-5) of Section 11-20.1
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 manufacture of child pornography, or dissemination of
5 child pornography after January 1, 2009, the term of
6 mandatory supervised release shall range from a minimum of
7 3 years to a maximum of the natural life of the defendant;

8 (5) if the victim is under 18 years of age, for a
9 second or subsequent offense of aggravated criminal sexual
10 abuse or felony criminal sexual abuse, 4 years, at least
11 the first 2 years of which the defendant shall serve in an
12 electronic home detention program under Article 8A of
13 Chapter V of this Code;

14 (6) for a felony domestic battery, aggravated domestic
15 battery, stalking, aggravated stalking, and a felony
16 violation of an order of protection, 4 years.

17 (e) (Blank).

18 (f) (Blank).

19 (Source: P.A. 99-69, eff. 1-1-16.)